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PTO/SB/64 (10-00)

Approved for use through 10/31/2002 OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)		Docket Number (Optional) 45163-1008
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First named inventor: Bi-yu Li et al.

Group Art Unit: 1645

Application No.: 09/896,324

Examiner: To be assigned

Filed: June 29, 2001

Title: METHOD AND IDENTIFICATION, SEPARATION AND QUANTITATIVE MEASURE OF NUCLEIC ACID FRAGMENTS

Attention: Office of Petitions  
Assistant Commissioner for Patents  
Box DAC  
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee —required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ 1,280.00 (37 CFR 1.17(m))

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2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of a Reply and a Request to Rescind Non-Publication Request

(Identify type of petition)

has been filed previously on \_\_\_\_\_  
 is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_  
 has been paid previously on \_\_\_\_\_  
 is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

## 3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(II)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

1/17/2002  
Date

Telephone  
Number: (619) 236-1441

Michael T. Cruz  
Signature

Michael T. Cruz

Typed or printed name

101 West Broadway, 12th Floor

Address

San Diego, California 92101

Enclosures:  Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay  
Request to Rescind Previous Non-Publication Request Other:

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OFFICE OF PETITIONS

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

1/22/2002  
Date

Karen M. Cruz  
Signature

Karen M. Cruz

Type or printed name of person signing certificate



PATENT  
Atty. Docket No. 45163-1008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Bi-yu LI et al. ) Group Art Unit: 1645  
Serial No.: 09/896,324 ) Examiner: To be assigned  
Filed: June 29, 2001 )  
For: METHOD FOR )  
IDENTIFICATION, )  
SEPARATION AND )  
QUANTITATIVE MEASURE OF )  
NUCLEIC ACID FRAGMENTS )

San Diego, California 92101  
January 17, 2002

Commissioner for Patents  
Washington, D.C. 20231

REPLY IN COMPLIANCE WITH 37 C.F.R. § 1.137

Dear Sir:

In support of a petition for the revival of an unintentionally abandoned application, Petitioner respectfully submits this reply in full compliance of 37 C.F.R. § 1.137(b)(1). According to 37 C.F.R. § 1.137(f), in order to satisfy the reply requirement of paragraph (c) of this section, Petitioner

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, with sufficient postage and an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit: January 22, 2002

Signature

*Karen Cruz*

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respectfully notifies the U.S. Patent & Trademark Office that an application directed to the invention disclosed in the above-identified application has also been filed in a foreign country or under a multilateral international agreement.

In the event that an additional fee is due, the Commissioner is authorized to charge any deficiency, or credit any overpayment, to our deposit account, No. 02-0410 in the name of Baker & McKenzie. Should any issues remain unresolved, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

BAKER & MCKENZIE

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